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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177353
Party	Defendant AEC Group, Inc. AEC Group, Inc. 1735 Fifth Avenue McKeesport, PA 15132
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Date	06/26/2007
Attachments	answer to opposition #76.608,724.pdf (6 pages)(145951 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application

Applicant: AEC Group, Inc.
Serial No.: 76/608,724
Filed: August 26, 2004
Mark: AEC GROUP END TO END TECHNOLOGY & Design
Int'l Class: 37
For: installation and maintenance of data, voice, cable, and video network infrastructure systems
Int'l Class: 42
For: consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; data, voice, and video network infrastructure design and planning; computer software development and design for others; computer system integration and network design; technical support services, namely troubleshooting of computer hardware and software problems; computer security service, namely restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities
Published: March 13, 2007

_____)	
The End-to-End Group, Inc.,)	
)	
Opposer,)	
)	Opposition No. 91177353
vs.)	
)	
AEC Group, Inc.,)	
)	
Applicant.)	
_____)	

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES

Applicant AEC Group, Inc. (the "Applicant" or "AEC"), by and through its undersigned counsel, files this Answer and Affirmative Defenses to the Notice of Opposition (the "Complaint") filed by Opposer The End-to-End Group, Inc. ("Opposer"), respectfully submitting as follows:

ANSWER

1. The allegations contained in Paragraph 1 are admitted.

2. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.

3. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3.

4. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.

5. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5, and to the extent such information is known such allegations are denied.

6. The allegations contained in Paragraph 6 are admitted in part and denied in part.

7. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7, and to the extent such information is known such allegations are denied.

8. The allegations contained in Paragraph 8 are denied.

9. The allegations contained in Paragraph 9 are denied.

10. The allegations contained in Paragraph 10 are denied.

AFFIRMATIVE DEFENSES

First Defense

The Complaint fails to state a claim against Applicant upon which relief can be granted.

Second Defense

The Opposer's End-to-End Networks & Design Mark is not valid and legally protectable because it is not federally registered, it is not inherently distinctive (arbitrary), and it has not acquired secondary meaning.

Third Defense

The AEC GROUP END TO END TECHNOLOGY mark ("Applicant's Mark") is not confusingly similar to that of the END-TO-END NETWORKS INC. mark or the End-to-End Networks & Design Mark (collectively referred to as the "Opposer's Marks") when the Applicant's Mark and the Opposer's Marks are considered in their entirety. Although each mark utilizes the element of "end to end," the law is clear that when determining whether there will be confusion between marks, it is crucial to compare the marks in their entirety, rather than only part of the mark. As such, when read as a whole, Applicant's Mark is clearly different from Opposer's Marks, and consequently Applicant's Mark will not deceive, cause confusion, or cause mistake.

Fourth Defense

Applicant's Mark is not confusingly similar to that of Opposer's Marks, since Opposer has provided no evidence as to the nature and extent of any actual confusion.

Fifth Defense

There is no likelihood of confusion between Applicant's Mark and Opposer's Marks since any common elements of the marks, such as the use of "end to end," are weak (generic, descriptive, or suggestive of the parties' services), and as such, are entitled to less protection than a strong mark (arbitrary).

Sixth Defense

There is no likelihood of confusion between Applicant's Mark and Opposer's Marks because the common element of the marks (end to end) is not likely to be perceived by purchasers as distinguishing the source of goods due to the commonness of its use.

Seventh Defense

There is no likelihood of confusion between Applicant's Mark and Opposer's Marks because the marks have distinctly different commercial impressions.

Eighth Defense

Applicant's use and registration of Applicant's Mark will not dilute Opposer's Marks since the Opposer's Marks are not "famous" as required by the Federal Trademark Dilution Act.

Ninth Defense

Applicant's use and registration of Applicant's Mark will not dilute Opposer's Marks because even though a mark not famous to the general public is entitled to protection from dilution if the parties are operating in the same or related markets, the Opposer's Marks do not possess a high degree of fame in its niche market as required by the Lanham Trade-Mark Act.

WHEREFORE, Applicant respectfully requests that Opposer's Notice of Opposition be dismissed with prejudice, that judgment be entered in its favor and against Opposer, and that the Trademark Trial and Appeal Board award such other relief as it deems appropriate.

Dated: June 26, 2007

Respectfully submitted,

The AEC Group, Inc.



Julie I. Kline, Esquire
PA ID No. 81144

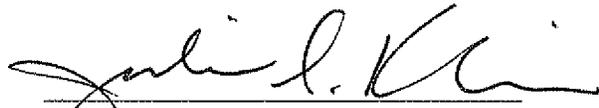
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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2007, I served a true and correct copy of the within ANSWER TO NOTICE OF OPPOSITION upon the following, via U.S. First Class Mail, postage prepaid, at the address listed below:

Gregory F. Buhyoff, Esquire
Weide & Miller, Ltd.
7251 W. Lake Mead Blvd., Suite 530
Las Vegas, NV 89128


Julie L. Kline, Esquire
Attorney for Plaintiff